



Richard A. Edlin
Tel 212.801.6528
Fax 212.805.5528
EdlinR@gtlaw.com

May 16, 2025

BY ECF AND EMAIL

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

Re: *Nurture, LLC v. PBM Nutritionals, LLC*, Case No. 24-cv-02390-KPM – Joint Request for Temporary Stay and to Extend Deadlines

Dear Judge Failla:

Plaintiff Nurture, LLC (“Nurture”) and Defendant PBM Nutritionals, LLC (“Perrigo”) (collectively, the “Parties”), by and through their respective counsel, jointly request a temporary stay of the deadlines set forth in the Second Amended Civil Case Management Plan and Scheduling Order, entered on February 27, 2025 (Dkt. No. 64). This extension is sought to allow the Parties to explore a potential resolution of their dispute through private mediation. This is the Parties’ third request for an adjournment, and all prior requests have been granted.

There is good cause for the requested relief. *See L.N.K. Int’l, Inc. v. Continental Casualty Co.*, No. 22-cv-05184, 2023 WL 2614211, at *2 (E.D.N.Y. Mar. 23, 2023) (explaining that granting a temporary stay to allow the parties to pursue mediation advances Rule 1’s goal of ensuring the Rules promote a “just, speedy, and inexpensive” resolution of cases); *see also Lazaar v. Anthem Co., Inc.*, No. 22-cv-3075, 2024 U.S. Dist. LEXIS 123457, at *7 (S.D.N.Y. July 9, 2024) (granting joint request to stay proceedings pending mediation). With document discovery substantially complete and expert disclosures recently exchanged, the Parties recognize that continuing litigation will entail significant expenses. To promote judicial economy and conserve resources, the Parties have recently agreed to pursue private mediation. They have selected a mutually agreeable mediator and anticipate scheduling the mediation to occur the week of July 14, 2025. The goal of this mediation will be to reach a resolution of all claims, which the Parties would then jointly present to the Court for approval.

The Parties believe a stay of upcoming discovery deadlines is essential to ensuring a productive mediation. The Parties anticipate expending significant resources in preparing for mediation and compiling the information necessary for the mediator to meaningfully evaluate the claims at issue. Reserving remaining fact and expert discovery until after mediation, if needed, will allow the Parties to limit their litigation expenses and concentrate their efforts on trying to

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reach a resolution. A stay will also conserve judicial resources, as it will ensure the Court does not expend resources ruling on discovery motions where those disputes may be resolved through settlement. The Parties agree that their request is in the interest of both the Parties and the Court and does not cause prejudice to either side.

Accordingly, should the case not resolve, the Parties agree that they will complete their fact witness depositions no later than October 17, 2025, *i.e.*, approximately 90 days after the mediation. The Parties have attached a proposed Third Amended Civil Case Management Plan and Scheduling Order reflecting the following amended deadlines:

Description	Current Deadline	New Proposed Deadline
Deadline to complete fact witness depositions	June 20, 2025	October 17, 2025
Fact discovery deadline	June 24, 2025	October 22, 2025
Deadline to serve Requests to Admit	July 8, 2025	November 5, 2025
Plaintiff's expert reports due	July 8, 2025	November 5, 2025
Defendant's expert reports due	August 12, 2025	December 10, 2025
Deadline to respond to Requests to Admit	August 5, 2025	December 3, 2025
Deadline to complete expert witness depositions	September 23, 2025	January 21, 2026
Expert discovery deadline	September 23, 2025	January 21, 2026

We appreciate the Court's consideration of this request and are available should the Court have any questions.

Respectfully submitted,

/s/ Richard A. Edlin

Richard A. Edlin

cc: All counsel of record (*via ECF*)

Given that the parties have agreed to engage in private mediation, which they anticipate will take place on July 14, 2025, the Court hereby STAYS the discovery deadlines in this action, pending further order of the Court. The Court has endorsed the parties' proposed amended case management plan under separate cover. The parties are hereby ORDERED to file a joint letter within one week of their private mediation informing the Court whether they have reached a resolution. The Court advises the parties that, given the stay and the substantial extension of the discovery deadlines, the Court will grant no further extension requests.

The post-fact discovery conference currently scheduled for August 7, 2025, is hereby ADJOURNED to **November 6, 2025**, at **11:00 a.m.**

The Clerk of Court is directed to terminate the pending motion at docket entry 69.

Dated: May 19, 2025
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE